

IN THE CHANCERY COURT FOR SULLIVAN COUNTY, TENNESSEE  
SECOND JUDICIAL DISTRICT AT BLOUNTVILLE

STATE OF TENNESSEE, *ex rel.* ROBERT )  
E. COOPER, JR., ATTORNEY GENERAL, )

Plaintiff, )

v. )

GINA DE'LYNN HODGES PRICE, JEFFREY )  
ADAM PRICE, WILLIAM DOUG PICKEL, )  
and ALLISON PAGE BAIRD, *individually* )  
*and collectively doing business as* REBEL )  
RIDGE KENNELS, CSA BULLDOGS, and )  
CONFEDERATE SANDS, )

Defendants. )

No. C0016896

Chancellor E. G. Moody

FILED 10-3, 2013@1:06 a.m./p.m.  
Katherine Priester, Clerk & Master  
By: Mary Masters

MOTION FOR AN ASSESSMENT OF CIVIL PENALTIES AND PERMANENT  
INJUNCTION IN CONNECTION WITH SUMMARY JUDGMENT

Plaintiff, the State of Tennessee, by and through Robert E. Cooper, Jr., the Attorney General and Reporter, pursuant to Rule 56 of the Tennessee Rules of Civil Procedure, moves this Honorable Court for an assessment of civil penalties and a permanent injunction against Defendant Gina De'Lynn Hodges Price, individually and doing business as Rebel Ridge Kennels, CSA Bulldogs and Confederate Sands.

In further support of this Motion, the State relies upon the contemporaneously-filed supporting memorandum and the Court's order granting the State's motion for summary judgment, filed July 22, 2013.

MOTION

Premises considered, the State of Tennessee moves for an order:

- (1) Assessing civil penalties in the amount of \$21,900, or \$300 for each of Defendant Price's 73 violations of the TCPA;
- (2) Assessing all costs associated with this action and any other incidental costs or expenses incurred against Defendant Gina Price. No costs shall be taxed against the State as provided by Tenn. Code Ann. § 47-18-116;
- (3) Authorizing the State to petition this Court for an award of its reasonable costs and expenses of investigation and prosecution of Defendant Gina Price, including attorneys' fees, pursuant to Tenn. Code Ann. § 47-18-108(4), should Defendant Gina Price fail to comply with the terms of this Court's order;
- (4) An order requiring that Defendant Gina Price's payments first be applied to consumer restitution as ordered by the United States District Court for the Eastern District of Tennessee, and lastly to the payment of civil penalties;
- (5) Permanently enjoining Defendant Gina Price from directly or indirectly:
  - (a) Selling animals or operating an Internet-based business in or from Tennessee until such time as Defendant Gina Price has successfully repaid all consumer restitution through the Tennessee Division of Consumer Affairs as ordered by the United States District Court for the Eastern District of Tennessee;
  - (b) Misrepresenting the health condition of any animal in connection with a sale or potential sales transaction;
  - (c) Misrepresenting facts related to the shipment of an animal in connection with a sale or potential sales transaction;
  - (d) Misrepresenting the legitimacy, inspection status or business registration status of a business in connection with a sale or potential sales transaction;

- (e) Misrepresenting the terms of any guarantee or warranty in connection with a sale or potential sales transaction;
- (f) Misrepresenting the registration status or registration paperwork of an animal in connection with a sale or potential sales transaction;
- (g) Misrepresenting the import status or source of an animal in connection with a sale or potential sales transaction;
- (h) In addition, the State requests that Defendant Gina Price be mandatorily required to:

Formally notify the State in writing 30 days prior to the commencement of business operations in or from Tennessee;

Retain appropriate business records if she elects to operate a business in or from Tennessee and make them available to the State for review upon request; and

If at any time she is permitted to breed or sell animals in or from Tennessee, she shall be required to do so in compliance with all applicable state and federal laws, rules and regulations.

- (6) The State requests that the Court's order specifically include the following provisions:

- (a) Nothing in this order shall be construed to affect, limit or alter any private right of action that any consumer, person, or any local, state, federal or other governmental entity, may hold against the Defendant Gina Price;
- (b) Jurisdiction is retained by this Court for the purpose of enabling the State to apply for such further orders and directions as may be necessary or appropriate for the construction, modification, or execution of the order, including enforcement of compliance therewith and assessment of penalties for violation(s) thereof and for attorneys' fees and costs applications;
- (c) If the Division of Consumer Affairs receives monies from the federal criminal case to distribute to consumers, the following shall apply to the restitution program: In order to address any unique situations that

might arise, the DCA shall handle the situations as follows when issuing restitution checks to consumers:

If a consumer who is eligible for restitution is now deceased, the restitution payment shall be made to the estate of the deceased person.

If the purchase was made by a minor, the restitution check shall be made jointly payable to the minor child's parents or legal guardians. If the child is in the sole custody of one parent or only has one parent or one legal guardian, the restitution check shall be made payable to the sole custodial parent or single parent.

If the purchase was made by a married couple who are now divorced, a single restitution check shall be made jointly payable to both the former husband and former wife, unless a protective order is in place relating to one of the parties. In that situation, two checks shall be issued, half to each former spouse.

If the purchase was made jointly by two or more unrelated persons, a single restitution check shall be made jointly payable to those persons.

- (d) Nothing in the order shall be construed to affect any private right of action that a consumer, person, entity, or by any local, state, federal or other governmental entity, may hold against the Defendant;
- (e) If thirty days after entry of the Court's order, the monetary amounts have not been paid by the Defendant, the State may use issue execution or garnishment or other lawful legal process to collect any monetary award including attorneys' fees and costs including but not limited to court costs associated with any collection efforts. The State may also obtain interest pursuant to Tenn. Code Ann. § 47-14-121;
- (f) The acceptance of this Judgment by the State shall not be deemed approval by the State of any of Defendant's advertising or business practices. Further, neither Defendant nor anyone acting on its behalf shall state or imply or cause to be stated or implied that the State of Tennessee, the Attorney General, the Department of Commerce and Insurance, the Division of Consumer Affairs or any other governmental unit of the State of Tennessee has approved, sanctioned or authorized any practice, act, advertisement or conduct of the Defendant;

- (g) The order may only be enforced by the State of Tennessee and this Court;
- (h) Nothing in the order shall limit the Attorney General's right to obtain information, documents or testimony from Defendant pursuant to any state or federal law, regulation or rule;
- (i) Nothing in this order shall be construed to limit the authority of the Attorney General to protect the interests of the State or the people of the State of Tennessee. In addition, the order shall not bar the State, or any other governmental entity from enforcing laws, regulations or rules against the Defendant;
- (j) Any failure by the State to insist upon the strict performance by any other party of any of the provisions of the order shall not be deemed a waiver of any of the provisions of the order, and, notwithstanding such failure, shall have the right thereafter to insist upon the specific performance of any and all of the provisions of the order and the imposition of any applicable penalties, including but not limited to contempt, civil penalties as set forth in Tenn. Code Ann. § 47-18-108(c) and/or the payment of attorneys' fees to the State and other applicable state law;
- (k) If any clause, provision or section of the order shall, for any reason, be held illegal, invalid or unenforceable, such illegality, invalidity or unenforceability shall not affect any other clause, provision or section of the order and the order shall be construed and enforced as if such illegal, invalid or unenforceable clause, section or other provision had not been contained herein;
- (l) This order does not entitle Defendant to seek or to obtain attorneys' fees as a prevailing party under any statute, regulation or rule;
- (m) Nothing in this order shall be construed as relieving the Defendant of the obligation to comply with all state and federal laws, regulations or rules, nor shall any of the provisions of this Judgment be deemed to be permission to engage in any acts or practices prohibited by such law, regulation, or rule. Further, this Judgment is in addition to and not in lieu of any other civil or criminal remedies that may be provided by law;
- (n) Pursuant to the provisions of the Tennessee Consumer Protection Act, Tenn. Code Ann. § 47-18-108(c), any knowing violation of the terms of the order shall be punishable by civil penalties of not more than

Two Thousand Dollars (\$2,000.00) for each violation, in addition to any other appropriate sanctions including but not limited to contempt sanctions and the imposition of attorneys' fees and civil penalties; and

(o) No costs can be taxed to the State including discretionary costs.

**NOTICE OF HEARING:**

**THIS MOTION WILL BE HEARD ON NOVEMBER 15, 2013, AT 9:00 A.M. ET IN CHANCERY COURT LOCATED AT 801 ANDERSON STREET, ROOM 239, BRISTOL, TN 37621. FAILURE TO RESPOND WILL RESULT IN THE MOTION BEING GRANTED UPON A PROPER SHOWING.**

Respectfully Submitted,

ROBERT E. COOPER, JR.  
Attorney General and Reporter  
B.P.R. 10934



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**CERTIFICATE OF SERVICE**

I hereby certify that a true and accurate copy of the foregoing was sent via certified U.S. Mail, postage pre-paid, return receipt requested, to:

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Allison Page Baird  
1487 Ryder Church Road  
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on this the 30th day of September 2013.

  
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NATHAN O. CASEY  
Assistant Attorney General